



COPY OF PAPERS
ORIGINALLY FILED

#6
Docket No.: PF-0635-2 DIV

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Box Missing Parts, Commissioner for Patents, Washington, D.C. 20231 on August 14, 2002.

By: [Signature] Printed: Lyza Finuliar

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Tang et al.

Title: CALCIUM BINDING PROTEIN

Serial No.: 10/025,730

Filing Date: December 18, 2001

Examiner: To Be Assigned

Group Art Unit: To Be Assigned

Box Missing Parts

Commissioner for Patents

Washington, D.C. 20231

**RESPONSE TO NOTICE TO FILE MISSING PARTS OF NON-PROVISIONAL
APPLICATION FILED UNDER 37 CFR § 1.53(b) -
FILING DATE GRANTED**

Sir:

In response to the "Notice to File Missing Parts of Non-Provisional Application filed under 37 CFR § 1.53(b) - Filing Date Granted" mailed by the United States Patent and Trademark Office on **March 14, 2002** (copy attached), Applicants submit the following documents to complete the filing for the above-identified patent application. **The period of time for response has been extended until August 14, 2002, by the accompanying Petition and fee.**

1. Certificate Under 37 C.F.R. 3.73(b) and Agreement of Assignee to Correct Inventorship (2 pp.);
2. Petition Under 37 C.F.R. 1.48(a) to Correct Inventorship (2 pp.);
3. Statement of Lack of Deceptive Intention (1 pg.); and
4. Supplemental Executed Declaration and Power of Attorney for United States Patent Application (12 pp., signed in counter-part).

The Commissioner is hereby authorized to charge the amount of \$ 130.00 to Deposit Account No. 09-0108, as set forth in the accompanying transmittal letter. If the Commissioner determines that additional fees are due or that an excess fee has been paid, the Patent Office is authorized to debit or credit (respectively) Deposit Account No. 09-0108.

If there are any questions regarding the above, the Examiner is invited to call the undersigned.

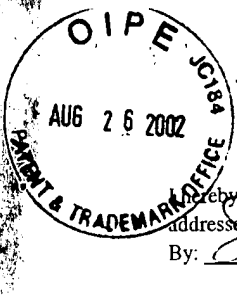
Respectfully submitted,
INCYTE GENOMICS, INC.

Date: August 14, 2002

Susan K. Sather

Susan K. Sather
Reg. No. 44,316
Direct Dial Telephone: (650) 845-4646

3160 Porter Drive
Palo Alto, California 94304
Phone: (650) 855-0555
Fax: (650) 849-8886



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Washington, D.C. 20231

STATEMENT OF LACK OF DECEPTIVE INTENTION

Sir:

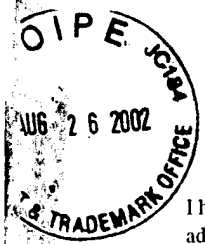
The undersigned, Henry Yue, states as follows:

1. The inventorship error of failing to include Henry Yue as an inventor of the above-referenced application occurred without any deceptive intention on the part of Henry Yue.

2. I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believe to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application on any patent issuing thereon.

Date: 8-09-02

[Signature]
Henry Yue



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Docket No.: PF-0635-2 DIV

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Tang et al.

Title: CALCIUM BINDING PROTEIN

Serial No.: 10/025,730

Filing Date: December 18, 2001

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Box Missing Parts
Commissioner for Patents
Washington, D.C. 20231

FEE TRANSMITTAL SHEET

Sir:

Transmitted herewith are the following for the above-identified application:

1. Return Receipt Postcard;
2. Petition for Extension of Time 3 mon. (1 pg.);
3. Response to Notice to File Missing Parts - Filing Date Granted (2 pp.);
4. Certificate Under 37 C.F.R. 3073(b) and Agreement of Assignee to Correct Inventorship (2 pp.);
5. Petition Under 37 C.F.R. 1.48(a) to Correct Inventorship (2 pp.);
6. Statement of Lack of Deceptive Intention (1 pg.);
7. Supplemental Executed Declaration and Power of Attorney (12 pp., signed in counter-part); and
8. Copy of said Notice to File Missing Parts - Filing Date Granted, dated March 14, 2002 (1 pg.).

The fee has been calculated as shown below.

| | |
|--|-------------------|
| Fee for filing a Petition for Extension of Time Under 37 <u>3</u> Mo(s): | \$ 920.00 |
| Fee for filing late Oath or Declaration under 37 CFR § 1.116(e): | \$ 130.00 |
| Please charge Deposit Account No. 09-0108 in the amount of : | \$ <u>1050.00</u> |

The Commissioner is hereby authorized to charge any additional fees required under 37 CFR 1.16 and 1.17, or credit overpayment to Deposit Account No. 09-0108. A duplicate copy of this sheet is enclosed.

Respectfully submitted,
INCYTE GENOMICS, INC.

Date: August 14, 2002

[Signature]

Susan K. Sather
Reg. No. 44,316
Direct Dial Telephone: (650) 845-4646

3160 Porter Drive
Palo Alto, California 94304
Phone: (650) 855-0555
Fax: (650) 845-4166

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UNITED STATES PATENT AND TRADEMARK OFFICE

 COMMISSIONER FOR PATENTS
 UNITED STATES PATENT AND TRADEMARK OFFICE
 WASHINGTON, D.C. 2023
 www.uspto.gov

| APPLICATION NUMBER | FILING/RECEIPT DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|---------------------|-----------------------|------------------------|
| 10/025.730 | 12/18/2001 | Y. Tom Tang | PF-0635-2 DIV |

CONFIRMATION NO. 8039

FORMALITIES LETTER



OC000000007639268

 INCYTE GENOMICS, INC.
 PATENT DEPARTMENT
 3160 Porter Drive
 Palo Alto, CA 94304

Date Mailed: 03/14/2002

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 130.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

08/27/2002 MBERHE 00000100 090108 10025730

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